

DURHAM, NORTH CAROLINA
MONDAY, April 16, 2001
7:00 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Excused Absence: Council Member Langley.

Also present: Interim City Manager Greg Bethea, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Tennyson called the meeting the order.

Mayor Pro Tempore Clement commented on his attendance at the Saturday Academy Program held at NCCU, the Men's Empowerment Forum at Hillside High School and announced that Council Member Angela Langley is at Durham Regional Hospital and wished her well and a speedy recovery.

A motion was made by Mayor Pro Tempore Clement seconded by Council Member Larson to add an item to the agenda to excuse the absence of Council Member Angela Langley.

Mayor Tennyson noted that item would be added to the agenda and expressed sentiments for a speedy recovery.

Chuck Flink, of East Coast Greenway Alliance, and Bill Bussey, of Triangle Rails to Trails, presented Council Member Blyth with a Certificate recognizing the American Tobacco Trail as a designated segment of the East Coast Greenway.

At this time during the meeting, the Gainford Singers from Durham, England performed several selections.

Council Member McKissick made remarks about his visit to Durham, England several years ago.

Council Member Burnette recognized her son, Aaron, and his fiancée, Emefa Amouku, visiting from Glasgow, Scotland.

Council Member Jacobs reported on her attendance at the 2001 National Forum for Black Public Administrations held in Las Vegas last week.

Council Member Hill recognized Clay Evans for making a facility available to the boxing club.

Council Member Stith commented on his attendance at the Prayer Breakfast and the Careers in Construction event.

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Mayor Tennyson read proclamations designating April 16-22, 2001 as Community Development Week and April 2001 as Fair Housing Month.

Mayor Pro Tempore Clement recognized the following members of the Citizens Advisory Committee who were in attendance: Gloria Beamon-Thomas, Kennedy Godette and Jim Reingruber.

Council Member Blyth raised a concern about an article in the News & Observer concerning City funds and requested a report from the administration.

Council Member McKissick requested that this report be given at a meeting of the Committee-of-the-Whole.

Mayor Tennyson noted this item was brought to Council at its Retreat.

Council Member Wagstaff thanked Housing Director Charlene Montford for her work and recognized Mr. Bosdell, a local artist, for his mural at the Bull City Supermarket.

Mayor Tennyson requested an item be added to the agenda to authorize the Mayor to write a Resolution on behalf of the City Council Honoring the Duke University Basketball Team.

MOTION by Council Member Blyth seconded by Council Member Larson to add an item to the agenda authorizing Mayor Tennyson to write on behalf of the Durham City Council a Resolution Honoring Duke University Basketball Team was approved at 7:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Mayor Tennyson gave an update on the new City Manager Marcia Conner noting that she will be visiting Durham the weekend of April 28 and that June 4, 2001 would be her start date.

Mayor Tennyson asked for priority items. Interim City Manager Greg Bethea provided Council with a handout noting there were objections to the following assessments: GBA Item 2 [SEWER MAIN - CONTINENTAL DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 809-1-12 TO WEST PROPERTY LINE OF TAX MAP 810-1-8], Item 4 SEWER MAIN - THUNDER ROAD FROM NOVEMBER DRIVE TO NOVEMBER DRIVE] and Item 5 [SEWER MAIN - NOVEMBER DRIVE FROM DAWN TRAIL TO THUNDER ROAD.

Relative to GBA Item 13d [VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JANUARY 1, 2001 - PAGE ROAD BUSINESS PARK FY 2001-22], the Interim City Manager requested that the public hearing be continued until June 4, 2001 City Council Meeting with advertising.

[NO PRIORITY ITEMS FROM THE CITY ATTORNEY AND CITY CLERK.]

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Mayor Tennyson noted revisions to the Consent Agenda made at the Committee-of-the-Whole Meeting. Mayor Tennyson asked if any citizen(s) or council member(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting.

Mayor Tennyson noted that Consent Agenda Item #10 [HAYTI DEVELOPMENT CORPORATION (HDC) WORKOUT AGREEMENT] was removed at Committee-of-the-Whole to be considered separately. [No additional items were pulled]

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Consent Agenda as amended was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[CONSENT AGENDA]

SUBJECT: USE OF CONTROLLED SUBSTANCE ABUSE FUNDS (TAX STAMP FUNDS)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the use of controlled substance abuse funds (tax stamp funds) in an amount not to exceed \$110,000 for electronic surveillance equipment, undercover vehicles, computer software and hardware, and upgrade of the Police Department phone system was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: WATER AND SEWER UTILITY FUND

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration concerning the financial status of the City's Water and Sewer Utility Fund was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: CONTRACT WITH PROGRESSIVE TRANSPORTATION SERVICES INC. FOR THE PROVISION OF THE DATA FIXED ROUTE SERVICE (DBA COACH USA TRANSIT SERVICES)

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to enter into a contract with Progressive Transportation Services Inc., dba Coach USA Transit Services, for the provision of the DATA fixed route service was

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approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: RECOMMENDED TAXICAB FARE INCREASES

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance extending the interim per trip surcharge of \$1.00 sixty days to July 1, 2001; and

To set a public hearing on Monday, May 7, 2001 to receive citizens' comments on a new Taxicab Rate Structure was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12266

SUBJECT: 1996 GENERAL OBLIGATION BOND UPDATE

MOTION by Council Member Larson seconded by Council Member Jacobs to receive a report from the Administration on the 1996 General Obligation Bond Update was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SALE OF STRUCTURE FOR REMOVAL FROM PROPERTY LOCATED AT 903 BENT CREEK DRIVE - LITTLE RIVER RESERVOIR BUFFER

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a "Bill of Sale and Agreement" for the removal and disposal of the structure at 903 Bent Creek Drive, Tax Map #869-04-006 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SALE OF CITY TRACT #451 - EAST CLUB BOULEVARD (TAX MAP #344-01-003, PIN #0832-08-88-1351) - APOSTOLIC HOUSE OF DELIVERANCE

MOTION by Council Member Larson seconded by Council Member Jacobs to: 1) declare City Tract #451 surplus, 2) to propose to accept Apostolic House of Deliverance's offer of \$50,000 to purchase City Tract #451, 3) to authorize the City Manager to advertise

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and sell the property under the authority of G.S. 160A-269, the upset bid procedure, and 4) if no upset bids are received, to accept Apostolic House of Deliverance's offer and authorize the Mayor to convey the property to Apostolic House of Deliverance for \$50,000 by a non-warranty deed was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: LICENSE AGREEMENT BETWEEN DUKE ENERGY CORPORATION AND THE CITY OF DURHAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a License Agreement between Duke Energy Corporation and the City of Durham for the installation of a **WELCOME TO DURHAM** sign on the rear of the Duke Energy Operations Center property was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: CONSULTING SERVICES FOR THE LEAD-BASED PAINT PROGRAM

a. Payment for Services Previously Rendered - Environmental Investigations, Inc.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Finance Officer to approve payment to Environmental Investigations, Inc. for lead-based paint services previously rendered between May 2000 through December 2000 in the amount of \$47,432.46 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

b. Contracts with Environmental Investigations, Inc. and Titan Atlantic Group, Inc.

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute contracts with Environmental Investigations, Inc. and Titan Atlantic Group, Inc. for lead hazard control consulting services with a total expenditure not to exceed \$140,000 from Lead Hazard Control Grant funds; and

To authorize the City Manager to modify the contracts before execution provided the modifications do not increase the total dollar amount of the contracts and are consistent with the general intent of the version of the contracts approved by City Council and with the Lead Hazard Control Grant requirements as published

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by the U.S. Department of Housing and Urban Development was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: PRELIMINARY APPROVAL - SPECIAL NEEDS RENTAL HOUSING AT OR BELOW 25% OF AREA MEDIAN INCOME - 1996 HOUSING BOND FUNDS - TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS (TROSA) - NATIONAL ALLIANCE FOR THE MENTALLY ILL (NAMI) - MENTAL HEALTH ASSOCIATION IN NORTH CAROLINA (MHANC) - CAARE, INC.

MOTION by Council Member Larson seconded by Council Member Jacobs to approve preliminary allocations of 1996 Housing Bond funds for Special Needs Housing in an aggregate amount not to exceed \$579,050 to Triangle Residential Options for Substance Abusers (TROSA) (\$200,000), National Alliance for the Mentally Ill (NAMI) and the Mental Health Association in North Carolina (MHANC) (\$300,000), and CAARE, Inc. (\$79,050), subject to negotiation of financing terms for the projects and development of loan documentation for City Council consideration at a later date was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: FINAL DOCUMENT APPROVAL - PURCHASE AGREEMENT WITH UDI/CDC FOR GLENDALE AVENUE

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute a Purchase Agreement by which the City will sell its properties on the 800 block of Glendale Avenue to UDI/CDC for \$26,000; and

To authorize the City Manager to execute Construction Loan Agreements which provide to UDI/CDC up to \$50,000 per unit for the construction of new housing at zero percent interest, up to \$250,000 in construction loans outstanding at any one time, and a maximum aggregate total lending of \$650,000; and

To authorize the City Manager to execute related closing documents for this project and to make changes to the documents as are consistent with the City's affordable housing policies; and

To adopt "An Ordinance Amending General Capital Improvement Project Ordinance, as Amended, the Same Being Ordinance #12246" was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member

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Langley.

Ordinance #12267

SUBJECT: DURHAM HISTORIC PRESERVATION COMMISSION APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **David Arneson** to the Durham Historic Preservation Commission for the category of Architect--term expires September 1, 2003 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: ENVIRONMENTAL AFFAIRS BOARD APPOINTMENT

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Greg Pagett** to the Environmental Affairs Board for the category of Energy--term expires June 1, 2003 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD (COMMUTE TRIP REDUCTION PROGRAM) APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Wendi Brooks** and **Brian J. Morton** for three-year terms expiring April 1, 2004 and **Richard A. Sloane** and **Phillip Vereen** for two-year terms expiring April 1, 2003 to the newly established Multi-Jurisdictional Advisory Board was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: CITY-COUNTY APPEARANCE COMMISSION APPOINTMENTS

MOTION by Council Member Larson seconded by Council Member Jacobs to appoint **Catherine Gutman**, **Duane L. Marks** and **Frederick H. Pugsley** for three-year terms expiring April 1, 2004; **Cheryl S. Sweeney** and **Joseph Henry Yongue** for two-year terms expiring April 1, 2003; and **Walter R. Havener** and **Kay Pearlstein** for one-year terms expiring April 1, 2002 to the newly established City-County Appearance Commission was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

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SUBJECT: MUNICIPAL AGREEMENT FOR I-85 IMPROVEMENTS FROM WEST OF BROAD STREET TO WEST OF CAMDEN AVENUE (PROJECT I-0306 DB) - NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT)

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution authorizing the City Manager to execute a North Carolina Department of Transportation (NCDOT) Municipal Agreement for I-85 (Project I-0306 DB) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Resolution #8752

SUBJECT: INTERLOCAL AGREEMENT FOR COOPERATIVE DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution authorizing the City Manager to execute the Interlocal Agreement for Cooperative Disposal of Household Hazardous Waste; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and are consistent with the general intent of the version of the contract approved by City Council was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Resolution #8751

SUBJECT: SITE PLAN APPROVAL - AUBURN PODS 1 & 2

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Auburn Pods 1 & 2, submitted by the John R. McAdams Company, Inc. on behalf of EYC Investments, LLC, consisting of 328 apartments on a ±25.08 acre site, zoned PDR 5.37 and F/J-B, and located east of Barbee Road and north of Woodcroft Parkway Extension (Tax #548-1-23 part; PIN #0728-02-67-3879 part; City Atlas Page 43, C-1 and C-2) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

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SUBJECT: SITE PLAN APPROVAL - IPS CORPORATION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for IPS Corporation, submitted by Duane K. Stewart & Associates, Inc. on behalf of IPS Corporation, consisting of a 30,000 square foot manufacturing and distribution facility on 4.23 acres, zoned I-2 and located on the west side of Ellis Road, east of NC 147 and south of Pettigrew Street (Tax Map 561-01-001, PIN #0830-08-0648, City Atlas Page 30, D-2) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: MAJOR SITE PLAN APPROVAL - THE NEW JERUSALEM CHURCH EXPANSION

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a major site plan for the New Jerusalem Church Expansion, submitted by Technical Consultants and Jordan Consultants on behalf of Bishop Bennie Griffin c/o New Jerusalem Free Will Baptist Church, to construct a 10,465 square foot expansion to an existing church (2,800 square feet) and associated parking on a 6.67 acre tract. The expansion accommodates a 375 seat capacity sanctuary, zoned R-8 (F/J-B) and located at 3107 Hursey Street, west of Lynn Road (Tax Map #386-4-1, PIN #0841-19-61-0962, City Atlas Page 34, C-3) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SITE PLAN APPROVAL - PARKER LINCOLN WEST, BUILDING 205

MOTION by Council Member Larson seconded by Council Member Jacobs to approve a site plan for Parker Lincoln West - Building 205, submitted by Parker Lincoln Developers and Kimley-Horn and Associates, Inc., to construct a 56,620 square foot, one-story office/warehouse on a 10.936 acre site, which is a portion of an 86.01 acre tract, zoned I-2 and located north of T. W. Alexander Drive, south of Lumley Road, east of South Miami Boulevard and west of Presidential Drive (Tax Map #577-01-23, PIN #0749-04-72-3002, City Atlas Page 45, C-3) was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SETTING COUNCIL-INITIATED PUBLIC HEARING FOR LAKEMOOR AND LAKESIDE GARDEN APARTMENTS REZONING (CHANGE IN DEVELOPMENT PLAN)

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MOTION by Council Member Larson seconded by Council Member Jacobs to set a Council-initiated public hearing on Monday, May 21, 2001 for Lakemoor and Lakeside Garden Apartment property located on Martin Luther King, Jr. Parkway for a change in the PDR-10 Development Plan was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: AMENDMENT TO HOLMES CONTRACTING COMPANY DRAINAGE CONTRACT #2000-03 - MIST LAKE ROAD AND BARNES AVENUE

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the City Manager to execute an amendment to Contract 2000-03 (CT-081802) with Holmes Contracting Company in the amount of \$66,000 (increasing the contract from \$132,447 to \$198,447) to include additional work on Mist Lake Road and Barnes Avenue; and

To authorize the expenditure of an additional \$66,000 from the Stormwater Utility account for this additional work was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: PROPOSED SCHOOL BOND

MOTION by Council Member Larson seconded by Council Member Jacobs to consider the adoption of a resolution asking the Durham Public School Board to evaluate the amount of the proposed school bond to make certain that it fully addresses the school capacity needs of Durham was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: RESOLUTION HONORING CHANCELLOR JULIUS L. CHAMBERS

MOTION by Council Member Larson seconded by Council Member Jacobs to direct the City Clerk to draft a resolution honoring Chancellor Julius L. Chambers was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: STOP SIGNS - AUBURN VILLAGE

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MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) Chownings Street (private) at Mallory Lane, southwest corner;
- 2) Brafferton Court (private) at Mallory Lane, southwest corner (west intersection); and
- 3) Brafferton Court (private) at Mallory Lane, southwest corner (east intersection).

Ordinance #12268

SUBJECT: STOP SIGNS - COPPER CREEK

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) Goldmist Lane at Copper Creek Drive, northeast corner; and
- 2) Copper Creek Drive at Woodcroft Parkway, southeast corner.

Ordinance #12269

SUBJECT: STOP SIGNS - ESTATES AT MERIDIAN

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign at Exchange Place (private) at Barbee Road, northeast corner was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12270

SUBJECT: STOP SIGNS - GATEWOOD FOREST SUBDIVISION

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None.

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Excused Absence: Council Member Langley.

- 1) Burrell Road at Freeman Road, south corner; and
- 2) Onyx Court at Burrell Road, northeast corner.

Ordinance #12271

SUBJECT: STOP SIGNS - HILLANDALE COMMONS

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of a stop sign at Haywood Court at Meeting Street, northwest corner was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12272

SUBJECT: STOP SIGNS - RIVERWALK AT TREYBURN

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

- 1) Champions Pointe Drive at Vintage Hill Parkway, west corner; and
- 2) Highland Ridge Court at Champions Point Drive, southwest corner.

Ordinance #12273

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the official minutes of the following City Council Meetings was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

January 16, 2001 - Regular Meeting
February 5, 2001 - Regular Meeting
February 13, 2001 - Special Meeting
February 19, 2001 - Special Meeting
February 19, 2001 - Regular Meeting
March 5, 2001 - Regular Meeting

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March 13, 2001 - Special Meeting
March 17, 2001 - Special Meeting
March 19, 2001 - Special Meeting
March 19, 2001 - Regular Meeting
March 24, 2001 - Special Meeting
March 27, 2001 - Special Meeting

[GENERAL BUSINESS AGENDA]

[PUBLIC HEARINGS]

SUBJECT: SEWER MAIN - CONTINENTAL DRIVE FROM EAST PROPERTY LINE OF TAX MAP 811-1-32 TO WEST PROPERTY LINE OF TAX MAP 811-1-32 AND **CONTINENTAL DRIVE** FROM EAST PROPERTY LINE OF TAX MAP 810-1-9 TO WEST PROPERTY LINE OF TAX MAP 810-1-9

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Continental Drive from east property line of Tax Map 811-1-32 to west property line of Tax Map 811-1-32 and Continental Drive from east property line of Tax Map 810-1-9 to west property line of Tax Map 810-1-9 was approved at 7:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SEWER MAIN - CONTINENTAL DRIVE FROM NORTH PROPERTY LINE OF TAX MAP 809-1-12 TO WEST PROPERTY LINE OF TAX MAP 810-1-8

Interim City Manager Greg Bethea provided Council with a handout noting an objection to the assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Continental Drive from north property line of Tax Map 809-1-12 to west property line of Tax Map 810-1-8; and

To refer the Willowhaven Country Club properties (2 parcels) to the Public Works Committee for further consideration was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor

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Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff.
Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SEWER MAIN - DAWN TRAIL FROM NOVEMBER DRIVE TO THUNDER ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Dawn Trail from November Drive to Thunder Road was approved at 7:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SEWER MAIN - THUNDER ROAD FROM NOVEMBER DRIVE TO NOVEMBER DRIVE

Interim City Manager Greg Bethea provided Council with a handout noting objections to the assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on Thunder Road from November Drive to November Drive; and

To refer the Stephen & Ada Parrillo; Raymond & Vivian Pearson; and Sims & Barbara Roy properties to the Public Works Committee for further consideration was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: SEWER MAIN - NOVEMBER DRIVE FROM DAWN TRAIL TO THUNDER ROAD

Interim City Manager Greg Bethea provided Council with a handout noting an objection to the assessment.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no

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further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to adopt a resolution confirming the assessment roll for sewer main on November Drive from Dawn Trail to Thunder Road;
and

To refer the Taylor & Roxanne Schock property to the Public Works Committee for further consideration was approved at 7:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: 2001-2002 CONSOLIDATED ACTION PLAN DRAFT

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Linda Hinton Conley, representing Durham Affordable Housing Coalition, read a letter from the Executive Director noting that since 1990, the Coalition helped to secure \$10 million to support affordable housing and economic development projects. She requested Council to leave funding for the Coalition at the current amounts.

Mayor Tennyson declared the public hearing closed.

Council Member Blyth raised a concern about the allocation of \$100,000 to replace windows in the Golden Belt Center. She spoke in support of this money going to the Durham Affordable Housing Coalition and other agencies.

Charlene Montford, Housing & Community Development Director, made comments regarding the funding to DAHC.

Council Member Blyth requested staff to come back with an update on the Golden Belt project.

Council Member McKissick asked staff what was the exact level of funding to the Durham Affordable Housing Coalition this past fiscal year.

Charlene Montford, Housing & Community Development Director, noted \$120,000 in CDBG funds and \$80,000 in Non-City Agency funds for a total of \$200,000.

Council Member McKissick spoke in support of funding for Durham Affordable Housing Coalition.

Council Member Cheek expressed concern about the \$100,000 allocation for a culinary arts training program and asked is there a demand for this program.

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Rev. Frederick Davis noted that the job training program was based on the analysis received from the Restaurant and Hotel Management Association.

Mayor Tennyson raised a concern about the progress of the Golden Belt Center but noted it's a critical element in the re-development of the area.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the 2001-2002 Consolidated Action Plan Draft was approved at 8:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: CABLE TELEVISION FRANCHISE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

Mayor Pro Tempore Clement expressed concern relative to the extension.

John Bjurman, Technology Solutions Director, commented on the one round of negotiations with Time Warner and Carolina Broadband and noted that staff should be able to get through the negotiation process within the next six months.

Mayor Pro Tempore Clement asked if there would be two cable franchises in Durham.

John Bjurman, Technology Solutions Director, replied yes.

City Attorney Henry Blinder briefed Council regarding what a franchise would do for Carolina Broadband.

Council Member McKissick asked staff if there would be one channel reserved for the City of Durham.

John Bjurman, Technology Solutions Director, replied yes and noted it's part of both agreements.

Discussion was held on Time Warner, Carolina Broadband and extensions.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning an additional extension of the current cable television franchise granted by Ordinance Number 9172 with AOL Time Warner Inc. and extended by Ordinance Number 12106; and

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To adopt "An Ordinance Extending the Cable Television Franchise Granted by Ordinance Number 9172 and Extended by Ordinance Number 12106 from April 30, 2001 Through October 31, 2001" was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12274

SUBJECT: APPLICANT FOR ECONOMIC DEVELOPMENT INVESTMENT FUNDS - RENOVATION OF 323 FOSTER STREET - FOSTER STREET PARTNERS, LLC

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments on the proposed Agreement between Foster Street Partners, LLC and the City of Durham regarding the reimbursement for economic development activities; and

To authorize the City Manager to execute the Development Agreement with Foster Street Partners, LLC, regarding the use of up to \$60,000 in Economic Development Investment Funds (\$60,000 over two years if \$2,000,000 or more of new capital investment is made); with the stipulation that the City Manager be allowed to make minor changes to the Agreement that do not increase the total dollar amount to be paid by the City, and do not decrease the benefits to be provided to the City was approved at 8:16 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: INSTALLMENT PURCHASE FINANCING, SERIES 2001

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning the approval of the execution and delivery by the City of an installment Contract and Deed of Trust in a principal amount not to exceed \$33,000,000 was approved at 8:17 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member

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Langley.

SUBJECT: ZONING MATTER CASE: P01-02 - THE SMITH ARCHITECTURAL PRACTICE - 7.192 ACRES AT 2219 PAGE ROAD, WEST OF NEW PAGE ROAD

Case: P01-02

Applicant: The Smith Architectural Practice

Location: 7.192 acres at 2219 Page Road, west of New Page Road

Request: Change in Development Plan (PDR 4.47)

Zoning Committee's Recommendation and Vote: Approval (7-0)

Planning Department's Recommendation: Approval

Dick Hails, of City/County Planning Department, brief Council on the staff report.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponents

Marc Smith, representing the applicant, spoke in support of this rezoning.

Wil Nichols, of Victorious Praise Fellowship, spoke in support of this request noting that it will benefit the community.

No one spoke in opposition to this rezoning.

Mayor Tennyson declared the public hearing closed.

MOTION by Council Member Blyth seconded by Council Member Wagstaff to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of PDR 4.47 and placing same in and establishing same as PDR 4.47 for a change in the Development Plan was approved at 8:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: ZONING MATTER CASE: P01-18 - THE JOHN R. MCADAMS COMPANY - 20 ACRES ON THE SOUTHEAST SIDE OF ELLIS ROAD, SOUTHWEST OF THE INTERSECTION OF ELLIS ROAD AND SOUTH MIAMI BOULEVARD

Case: P01-18

Applicant: The John R. McAdams Company

Location: 20 acres on the southeast side of Ellis Road, southwest of the intersection of Ellis Road and South Miami Boulevard (Tax

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Map #644, Block 1, Lot 18; City Atlas Page 39, C-1 and C-2).

Request: Rezoning from RM-16(D) (Multifamily Residential District, maximum of 16 dwelling units per acre with a Development Plan) to RM-12(D) (Multifamily Residential District, maximum of 12 dwelling units per acre with a Development Plan)

Zoning Committee's Recommendation and Vote: Courtesy Review - April 10, 2001

Planning Department's Recommendation: Approval

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out RM-16(D) and placing same in and establishing same as RM-12(D).

Dick Hails, of City/County Planning, briefed Council on the staff report. He noted this rezoning was approved several years ago, the new development plan is consistent with the adopted plans and staff recommends approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Dawn Heric, representing the applicant, spoke in support of this rezoning making comments about the reduced density, plan is consistent with small area plan and urged Council to amend the original rezoning to allow development of 160 units. Ms. Heric also commented on the driveway, the internal circulation pattern, open space, the provision in the ordinance [courtesy review] and highlighted improvements.

No one spoke in opposition to this request.

Mayor Tennyson declared the public hearing closed.

A motion was made by Council Member Larson seconded by Mayor Pro Tempore Clement to approve the item as printed on the agenda.

Council Member Edwards raised a concern about the courtesy review issue.

Dick Hails, of City/County Planning, discussed the courtesy review issue giving an overview of the provision in the ordinance.

Council Member McKissick asked staff if a courtesy review was done.

Dick Hails, of City/County Planning, replied no and noted that he briefed the Zoning Committee on the proposal and informed them that this is the first case utilizing the new procedure of bypassing the public hearing at the Zoning Committee.

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Council Member McKissick asked staff if a courtesy review was required.

Dick Hails, of City/County Planning, replied no.

Council Member Cheek spoke in support of zoning issues going before the Zoning Committee.

Several Council Members expressed concern about the courtesy review issue.

A substitute motion was made by Council Member Blyth seconded by Council Member Edwards to approve the item as printed on the agenda and to request the administration to begin the process of rescinding the text amendment concerning courtesy review.

Mayor Pro Tempore Clement spoke in support of approving rezoning request.

Council Member Larson noted that this text amendment [courtesy review] should be referred to the Joint City/County Planning Committee.

Council Member Blyth accepted the friendly amendment.

SUBSTITUTE MOTION by Council Member Blyth seconded by Council Member Edwards to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out RM-16(D) and placing same in and establishing same as RM-12(D); and

To refer the text amendment regarding Courtesy Review to the Joint City/County Planning Committee was approved at 8:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: PROPOSED AMENDMENT TO THE ZONING ORDINANCE REGARDING INTERMITTENT STREAM BUFFER WIDTH

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments concerning an amendment to the Zoning Ordinance regarding intermittent stream buffer width; and

To adopt "An Ordinance to Amend the Durham Zoning Ordinance, Section 11.3.3, Stream Buffer Size" was approved at 8:44 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore

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Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Joint City-County Committee: Initiated and approved by the Committee

Zoning Committee of the Planning Commission's Recommendation: Unanimous Approval

Planning Department's Recommendation: Approval

Ordinance #12275

SUBJECT: VOLUNTARY ANNEXATION PETITIONS SUBMITTED PRIOR TO JANUARY 1, 2001

a. Carolina Crossings at Farrington - FY 2001-12

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments regarding the annexation of 4.43 acres located on the north side of NC Highway 54 between Farrington Road and I-40, contiguous to the City limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Carolina Crossings at Farrington)" was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12276

b. Enthalpy/Connor Properties - FY 2001-18

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Cheek to receive citizens' comments regarding the annexation of 11.6 acres located east of Highway 147 on the south side of Ellis Road, non-contiguous to the City limits; and

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To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Enthalpy/Connor Properties)" was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12277

2) Fire Services

MOTION by Council Member Larson seconded by Council Member Cheek to authorize the City Manager to execute an amendment to the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 8:45 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

c. Tillet Development/Chin Page Road - FY 2001-20

1) Annexation

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments regarding the annexation of 107.96 acres located southeast of the Chin Page Road and Page Road Intersection, contiguous to the City limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Tillet Development/Chin Page Road" was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12278

2) Fire Services

MOTION by Council Member Larson seconded by Council Member Jacobs

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to authorize the City Manager to execute an amendment to the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

d. Page Road Business Park - FY 2001-22

1) Annexation

To receive citizens' comments regarding the annexation of 49.21 acres located on the west side of Page Road just north of the intersection with Comstock Road, contiguous to the City limits.

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Page Road Business Park."

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

MOTION by Council Member Larson seconded by Council Member Cheek to continue the public hearing on the Page Road Business Park Annexation until the June 4, 2001 City Council Meeting without further advertising was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

2) Fire Services

To authorize the City Manager to execute an amendment to the existing half-base contract with Bethesda Volunteer Fire Department to provide supplemental fire protection to this area over a five-year period with the same terms and conditions as services are provided to other areas in such contracts.

MOTION by Council Member Larson seconded by Council Member Cheek to continue the Fire Services Contract until the June 4, 2001 City Council Meeting was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

e. Carpenter Pointe - FY 2001-23

As this was the time and place set for the public hearing, anyone

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interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Jacobs to receive citizens' comments regarding the annexation of 26.9 acres located on the north side of Carpenter Road, just east of Ferrell Road, non-contiguous to the City limits; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which is Not Contiguous to the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-58 Et. Seq. (Carpenter Pointe)" was approved at 8:46 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

Ordinance #12279

[SUPPLEMENTAL ITEMS]

SUBJECT: SENATE BILL 670, INCLUSIONARY HOUSING PROGRAM

Interim City Manager Greg Bethea provided Council with a bill.

Attorney Henry Blinder made comments relative to the bill and discussed changes. He requested that an additional motion be added to this item to authorize the administration to make additional non-substantive changes to the proposal if needed.

Council held discussion on the Inclusionary Housing Program.

MOTION by Council Member Larson seconded by Council Member Jacobs to inform the local Legislative Delegation of Council's desire to include the City in Senate Bill 670, legislative authorization for Inclusionary Housing Program; and to authorize the administration to make non-substantive changes to the proposal if needed was approved at 8:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: MAYOR'S APPOINTMENT TO DURHAM CONVENTION & VISITORS BUREAU BOARD OF DIRECTORS

MOTION by Council Member Larson seconded by Council Member Jacobs to approve the Mayor's appointment of **John Mallard** to the Convention and Visitors Bureau Board of Directors for a term to expire October 31, 2001 was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill,

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Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None.
Excused Absence: Council Member Langley.

SUBJECT: RESOLUTION HONORING MS. CALLINA S. SMITH

MOTION by Council Member Larson seconded by Council Member Blyth to direct the Clerk to draft a resolution honoring Ms. Callina S. Smith was approved at 8:52 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[ITEMS ADDED TO THE AGENDA]

SUBJECT: EXCUSING THE ABSENCES OF COUNCIL MEMBER ANGELA LANGLEY

City Attorney Henry Blinder made comments relative to the City Charter provision on excusing Council Members from meetings.

MOTION by Council Member Larson seconded by Council Member Stith to excuse Council Member Langley from the April 16, 2001 City Council Meeting and to authorize the City Clerk to prepare a Resolution to Excuse the Absences of Council Member Langley was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

SUBJECT: RESOLUTION HONORING DUKE UNIVERSITY'S BASKETBALL TEAM

MOTION by Council Member Larson seconded by Council Member Jacobs to authorize the Mayor on behalf of the Durham City Council to prepare a Resolution Honoring Duke University's Basketball Team was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Larson, McKissick, Stith and Wagstaff. Noes: None. Excused Absence: Council Member Langley.

[ITEM PULLED FROM THE CONSENT AGENDA]

SUBJECT: HAYTI DEVELOPMENT CORPORATION (HDC) WORKOUT AGREEMENT

To terminate Municipal Grant Agreement 970504 and related legal documents with HDC; and

To terminate the CHDO Loan Agreement, the CHDO Operating Grant and related documents with Community Builders of Durham, Inc.; and

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To authorize the City Manager to execute legal documents with HDC to rehabilitate and market for sale the six properties that HDC has acquired using 1990 and 1996 Affordable Housing Bond funds; and

To authorize the City Manager to modify the legal documents consistent with the terms stated in the agenda item and the 1990 and 1996 Housing Bond Program requirements and provided that the modifications do not increase the dollar amount to be provided by the City and are consistent with the general intent of the item approved by City Council.

Brigette Rasberry, of Hayti Development Corporation, acknowledged that Hayti is in agreement with the Interim City Manager's recommendation and provided Council with a handout outlining Hayti Development Corporation Workout Agreement (Proposed Timeline/Schedule).

Ronna Tankard, of Impact Development Corporation, noted that she is a homeowner in NECD and the needs of the community are not being met and the people in the community would like to have an opportunity to develop their community.

James Gilchrist, of the Ecclesia House of Prayer, informed Council that they purchased the Old Winn Dixie Building on Alston Avenue and asked the City Council for help in renovating this building.

Ruby Riley raised a concern that no one from Hayti informed the NECD community about the meetings regarding new homes.

Steve Hopkins, of 526 Barnes Avenue, spoke in support of Hayti completing the 900 block of W. Main Street and would like to see developers such as Habitat and the Housing Authority develop Eastway.

Dr. Beverly Rhodes, Chair of Hayti, made comments about the length of time it took to develop the properties.

Council Member Wagstaff commented on the recent meeting held by Hayti with the residents, and spoke in opposition to HDC moving forward on the properties.

A motion was made by Council Member Wagstaff seconded by Council Member Hill to approve motions one and two only as printed on the agenda.

Council Member Stith spoke in support of the manager's recommendation and requested a report on other organizations receiving bond and/or City funding.

A substitute motion was made by Council Member Stith seconded by Council Member Larson to approve the item as printed on the agenda.

Several Council Members spoke in support of HDC moving forward

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with the six houses (the manager's recommendation).

Council Member McKissick expressed a concern about the proposed timeframe/schedule.

Ginger Newton, of Housing & Community Development, made comments about the length of time it would take to complete 1616 Angier Avenue and 106 N. Blacknall Street.

Bridgette Rasberry, of HDC, noted that there is a qualified buyer for 108 N. Blacknall Street.

Council Member McKissick asked HDC staff if 1616 Angier Avenue and 108 N. Blacknall would be the two best projects to move forward expeditiously.

Bridgette Rasberry, of HDC, replied yes.

A substitute to substitute motion was made by Council Member McKissick seconded by Council Member Blyth to approve the item as printed on the agenda with a stipulation that the first two houses (1616 Angier Avenue and 108 N. Blacknall Street) be completed by the end of the year or the agreement would be off.

Mayor Tennyson expressed a concern regarding the 18 months and spoke in support of the substitute to the substitute motion.

Council held discussion on the following issues: oversight/accountability for six properties, available funds, HDC proposed schedule and timeline, timeframe for completion of homes, HDC staff and it's dedication and focus.

SUBSTITUTE TO SUBSTITUTE MOTION was made by Council Member McKissick seconded by Council Member Blyth to terminate Municipal Grant Agreement 970504 and related legal documents with HDC; and

To terminate the CHDO Loan Agreement, the CHDO Operating Grant and related documents with Community Builders of Durham, Inc.; and

To authorize the City Manager to execute legal documents with HDC to rehabilitate and market for sale the six properties that HDC has acquired using 1990 and 1996 Affordable Housing Bond funds [with a stipulation that the two houses must be completed by the December 31, 2001]; and

To authorize the City Manager to modify the legal documents consistent with the terms stated in the agenda item and the 1990 and 1996 Housing Bond Program requirements and provided that the modifications do not increase the dollar amount to be provided by the City and are consistent with the general intent of the item approved by City Council [with a stipulation that the two houses must be completed by December 31, 2001] **FAILED** at 9:57 by the following vote: Ayes: Mayor Tennyson and Council Member Blyth and McKissick. Noes: Ayes: Mayor Pro Tempore Clement and Council Members Burnette, Cheek, Edwards, Hill, Jacobs, Larson,

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Stith and Wagstaff. Excused Absence: Council Member Langley.

SUBSTITUTE MOTION by Council Member Stith seconded by Council Member Larson to terminate Municipal Grant Agreement 970504 and related legal documents with HDC; and

To terminate the CHDO Loan Agreement, the CHDO Operating Grant and related documents with Community Builders of Durham, Inc.; and

To authorize the City Manager to execute legal documents with HDC to rehabilitate and market for sale the six properties that HDC has acquired using 1990 and 1996 Affordable Housing Bond funds; and

To authorize the City Manager to modify the legal documents consistent with the terms stated in the agenda item and the 1990 and 1996 Housing Bond Program requirements and provided that the modifications do not increase the dollar amount to be provided by the City and are consistent with the general intent of the item approved by City Council was approved at 9:58 p.m. by the following vote: Ayes: Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Jacobs, Larson and Stith. Noes: Mayor Tennyson and Council Members Hill, McKissick and Wagstaff. Excused Absence: Council Member Langley.

There being no further business to come before the City Council, the meeting was adjourned at 9:58 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk